



4250 NORTH FAIRFAX DRIVE, ARLINGTON, VIRGINIA 22203, TEL: 703.363.0220

DOCKET FILE COPY ORIGINAL April 26, 1999

By Hand Delivery

RECEIVED

Ms. Magalie R. Salas
Secretary
Federal Communications Commission
The Portals
445 12th St., SW, TWA-325
Washington, DC 20554

APR 26 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Joint Petition for Waiver, In the Matter of Implementation of the Subscriber
Carrier Selection Changes Provisions of the Telecommunications Act of 1996, CC
Docket No. 94-129

Dear Ms. Salas:

Attached for filing in the referenced docket, and on behalf of Qwest
Communications Corporation ("Qwest"), are the original and four copies of Qwest's
reply comments.

We also have forwarded a copy of the reply comments to International
Transcription Services.

Kindly date-stamp the additional copy of this letter and return it to the awaiting
messenger. If you have any questions, please contact me.

Respectfully submitted,

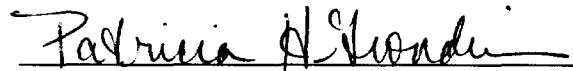
Jane Kunka
Manager, Public Policy

Enclosure

No. of Copies rec'd 0+4
List A B C D E

CERTIFICATE OF SERVICE

I, Patricia Grondin, hereby certify that on this 26th day of April, 1999, a copy of the foregoing Reply Comments of Qwest Communications Corporation was served on the parties listed below via hand delivery (indicated by "**") or first-class mail, postage pre-paid.


Patricia Grondin

Chairman William Kennard*
Federal Communications Commission
The Portals
445 12th St., SW, 8-B201
Washington, DC 20554

Commissioner Gloria Tristani*
Federal Communications Commission
The Portals
445 12th St., SW, 8-C302
Washington, DC 20554

Commissioner Susan Ness*
Federal Communications Commission
The Portals
445 12th St., SW, 8-B115
Washington, DC 20554

Magalie Roman Salas, Esq.*
Secretary, Federal Communications
Commission
The Portals
445 12th St., SW, TWA-325
Washington, DC 20554

Commissioner Michael Powell*
Federal Communications Commission
The Portals
445 12th St., SW, 8-A204
Washington, DC 20554

Dorothy Attwood, Chief*
Enforcement Division
Common Carrier Bureau
445 12th St., SW, Room 5-A865
Washington DC 20554

Commissioner Harold Furchtgott-Roth*
Federal Communications Commission
The Portals
445 12th St., SW, 8-A302
Washington, DC 20554

Glenn Reynolds, Deputy Chief*
Enforcement Division
Common Carrier Bureau
445 12th St. SW, Room 5-A865
Washington DC 20554

Robert M. Lynch
Roger K. Toppins
Barbara R. Hunt
SBC Communications, Inc.
One Bell Plaza, Room 3026
Dallas, TX 75202

David Cosson
Kraskin, Lesse & Cosson
2120 L St., N.W.
Washington, D.C. 20037

Stephen E. Bozzo
Michael E. Glover
James G. Pachulski
Bell Atlantic
1320 N. Courthouse Road
8th Floor
Arlington, VA 22201

William F. Maher, Jr.
Halprin, Temple, Goodman & Maher
555 12th Street, N.W., Suite 950 North
Washington, D.C. 20004

Lawrence E. Sarjeant
Linda Kent
Keith Townsend
John Hunter
U.S. Telephone Association
1401 H Street, N.W.
Washington, D.C. 20005

Kathryn Marie Krause
US West Communications, Inc.
1020 19th St. N.W., Suite 700
Washington, D.C. 20036

Susan M. Eid
Richard A. Karre
MediaOne Group, Inc.
1919 Pennsylvania Ave., N.W.
Suite 610
Washington, D.C. 20006

Ronald Binz
Debra Berlyn
Competition Policy Institute
1156 15th St., N.W., Suite 520
Washington, D.C. 20005

Christopher J. Wilson
Cincinnati Bell Telephone Company
201 East Fourth Street, Room 102-610
Cincinnati, OH 45201

John F. Raposa
GTE Service Corporation
600 Hidden Ridge, HQE03J27
P.O. Box 152092
Irving, TX 75015-2092

Andre J. Lachance
GTE Service Corporation
1850 M Street, N.W.
Washington, D.C. 20036

Susan J. Bahr
P.O. Box 86089
Montgomery Village, MD 20886-6089

Charles D. Gray
James Bradford Ramsay
National Association of Regulatory
Utility Commissioners
1100 Pennsylvania Ave., N.W.
Suite 608
Post Office Box 684
Washington, D.C. 20044

International Transcription Service*
Federal Communications Commission
1231 20th St., NW
Washington, DC 20554

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED
APR 26 1999
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Implementation of the Subscriber Carrier)
Selection Changes Provisions of the)
Telecommunications Act of 1996)
)
Policies and Rules Concerning)
Unauthorized Changes of Consumers by)
Long Distance Carriers)

CC Docket No. 94-129

REPLY COMMENTS OF QWEST COMMUNICATIONS CORPORATION

Qwest Communications Corporation ("Qwest") hereby responds to the comments on the Joint Petition for Waiver ("Joint Petition" of "TPA Proposal") filed in the above-referenced docket.¹ The Joint Petition seeks a waiver of certain Commission rules adopted in the *Second Report and Order* concerning preferred carrier changes.² Specifically, the Joint Petition seeks waiver of the liability and dispute resolution provisions of those rules, and instead advocates the establishment of an industry-funded, neutral Third Party Administrator ("TPA") to oversee all slamming complaints, investigations, and transfers of money among carriers and customers.

¹ Qwest is one of the parties on whose behalf the Joint Petition was filed. The other Joint Petitioners include MCI WorldCom, Inc., AT&T Corp., Excel Telecommunications, Inc., Frontier Corporation, Sprint Corporation, the Competitive Telecommunications Association, and the Telecommunications Resellers Association. *See Joint Petition for Waiver*, CC Docket No. 94-129 (filed Mar. 30, 1999).

² *See In the Matter of Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996, Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers*, CC Docket 94-129, *Second Report and Order and Further Notice of Proposed Rulemaking*, FCC 98-334 (rel. Dec. 23, 1998) ("Second Report and Order").

Qwest concurs wholeheartedly in the reply comments submitted today by MCI WorldCom, Inc., on behalf of the Joint Parties in this proceeding. We are writing separately, however, to highlight the progress that has already been made with respect to the TPA Proposal, as well as to explain further why approval of the TPA Proposal, or a revised version of it, is absolutely necessary to preserve a level playing field for all carriers.

Since the TPA Proposal was filed four weeks ago, the Joint Parties have been meeting with a number of carriers, including the Regional Bell Operating Companies ("RBOCs") and GTE, to solicit their input with respect to its provisions. These meetings are intended to enable the Joint Parties to work with local exchange carriers to further refine the TPA Proposal so that it provides a workable and efficient solution for all carriers. The Joint Parties are also open to regulatory commission input as well, and believe that such input can broaden and improve the TPA Proposal's consumer-friendly mechanisms.

An instrumental meeting was held in Bell Atlantic's offices on Tuesday, April 20, 1999, between the Joint Parties, the RBOCs, GTE, and the Commission's Enforcement Division during which many of TPA Proposal's key provisions, and any problems with them, were discussed. This meeting marked an important first step in a new, collaborative approach to resolve slamming problems, and suggests that the TPA Proposal can provide an industry-friendly alternative to the shortcomings of the Commission's slamming dispute resolution and liability provisions.

The need for a neutral third party administrator to oversee all aspects of preferred carrier change disputes is accentuated by many of the RBOCs' recently announced policies to credit an end user bill if a slam is alleged without, in many instances, giving

interexchange carriers ("IXCs") an opportunity to prove otherwise. Qwest has long embraced a "zero tolerance policy" toward slamming, but believes that carriers should not be denied revenues from legitimate accounts.

It is vital that the Commission make sure that local exchange carriers are unable to apply the existing slamming rules in improper ways that enable them to placate customer frustration at the expense of IXCs. Qwest believes that approval of the TPA Proposal would advance the goal of creating a neutral, consumer-friendly entity that would enable all carriers to compete effectively and fairly in the marketplace for telecommunications services.

CONCLUSION

For the reasons stated above, Qwest requests that the Commission grant the Joint Petition, as well as stay its proposed liability and dispute resolution provisions so that the TPA Proposal can move forward, allowing a functional, consumer-friendly, neutrally administered independent third party administrator to oversee all slamming complaints.

Respectfully submitted,

QWEST COMMUNICATIONS CORPORATION



Jane Kunka
Manager, Public Policy –
Regulatory and Legislative Affairs
Qwest Communications Corporation
4250 North Fairfax Drive
Arlington, VA 22203
(703) 363-4894

April 26, 1999